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IN THE SUPERIOR COURT FOR THE STATE OF ALASKA

FOURTH JUDICIAL DISTRICT

STATE OF ALASKA, )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
ISHMAEL JONATHAN SERGIE, )  
 )  
Defendant. )  
\_\_\_\_\_ )

Case No. 4BE-21-00205CR

TRANSCRIPT OF BAIL HEARING

BEFORE THE HONORABLE NATHANIEL PETERS  
Superior Court Judge

Bethel, Alaska  
August 10, 2021  
8:37 a.m.

APPEARANCES:

FOR THE PLAINTIFF:

IZAAK BRUCE  
Bethel County District  
Attorney  
204 Eddie Hoffman Highway  
Bethel, Alaska

FOR THE DEFENDANT:

EMILY L. JURA  
Bethel County Public  
Defender's Office  
460 Ridgcrest, Suite 217  
PO Box 10  
Bethel, Alaska

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TABLE OF CONTENTS

BAIL HEARING: Page 3

<u>WITNESSES:</u>	<u>VOL</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
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FOR THE DEFENDANT:

Kenneth Andrews I	6	11	11	--
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1 P R O C E E D I N G S

2 Courtroom 5

3 8:31:33

4 THE COURT: All right. We're not on record, State of  
5 Alaska vs. Ishmael Sergie, case number 4BE-210205CR. This  
6 time is set for a bail hearing. This is Judge Peters in  
7 Bethel. Do we have a district attorney on the phone?

8 MR. BRUCE: Yes, Your Honor. This is Isaak Bruce.

9 THE COURT: All right. Thank you, Mr. Bruce.

10 And do we have Ms. Jura representing Mr. Sergie?

11 MS. JURA: Yes, Your Honor.

12 THE COURT: Thank you. And we've got Ishmael joining  
13 us from the Kenai Youth Facility. Do we have the victim  
14 or the victim's representative on the phone? Okay.  
15 Anybody else on the phone for Mr. Sergie's case?

16 MR. ANDREWS: Yes. Jason Andrews in Akiak.

17 THE COURT: Sorry, that was Jason (phonetic) Andrews?

18 MR. ANDREWS: Yes.

19 THE COURT: All right. And Mr. Andrews, how are you  
20 related to this case?

21 MR. ANDREWS: He's my nephew, and I was --

22 THE COURT: Oh, were you approved to be --

23 MR. ANDREWS: -- going to be a third party.

24 THE COURT: -- a third party?

25 MR. ANDREWS: Yes.

1 THE COURT: Okay. Great, thank you.

2 MR. ANDREWS: Yes, I was.

3 THE COURT: Okay. Anybody else on the phone?

4 MR. R. ANDREWS: Ronald (phonetic) Andrews.

5 MR. K. ANDREWS: Kenneth Andrews.

6 THE COURT: I heard another Andrews. Who was the  
7 other Andrews?

8 MR. R. ANDREWS: Ronald Andrews.

9 THE COURT: Okay. Thank you. And Mr. Andrews is --

10 MR. R. ANDREWS: From Akiak.

11 THE COURT: -- yep. Also approved as a third party  
12 previously. And there was somebody else on the phone?

13 MR. K. ANDREWS: Kenneth Andrews.

14 THE COURT: Okay. And Mr. Andrews, how are you  
15 related to this case?

16 MR. K. ANDREWS: Ishmael is my son.

17 THE COURT: Okay. Okay. Anybody else on the phone  
18 whose name the Court hasn't called yet? Okay.

19 And Mr. Bruce, did the State make victim  
20 notification?

21 MR. BRUCE: Yes, Your Honor.

22 THE COURT: Okay. Very good. And are the parties  
23 ready to proceed at this time, Mr. Bruce?

24 MR. BRUCE: The State's prepared, Your Honor.

25 THE COURT: All right. And Ms. Jura?

1 MR. BRUCE: Yes, Your Honor.

2 THE COURT: Okay. Mr. Jura, I think the burden is on  
3 the Defense, so who are you going to call?

4 MS. JURA: Your Honor, I'm going to call Kenneth  
5 Andrews.

6 THE COURT: Okay. So Mr. Andrews, if you can raise  
7 your right hand.

8 KENNETH ANDREWS

9 called as a witness on behalf of the Defendant, testified  
10 telephonically as follows on:

11 THE COURT: Okay. Go ahead and put your right hand  
12 down. If you can state and spell your first and last name  
13 for the record.

14 MR. K. ANDREWS: Kenneth Andrews, K-E-N-N-E-T-H,  
15 A-N-D-R-E-W-S.

16 THE COURT: All right. Thank you. And you're  
17 calling in from Akiak today, you said?

18 MR. K. ANDREWS: Yes, sir.

19 THE COURT: And you're Ishmael's dad?

20 MR. K. ANDREWS: Yes.

21 THE COURT: Okay. Thank you. The parties are going  
22 to get to ask you some questions. I might have a couple  
23 follow-up questions after they're done.

24 So Ms. Jura, whenever you're ready.

25 MS. JURA: Okay. Thank you.

DIRECT EXAMINATION

BY MS. JURA:

Q Mr. Andrews, can you hear me okay?

A Yes, ma'am.

Q Okay. Great. Mr. Andrews, was Ishmael living with you before his arrest?

A Yes.

Q Okay. And were you and are you the one responsible for feeding him, clothing him, giving him shelter?

A Yes.

Q Okay. And does Ishmael have any money, to your knowledge?

A Not that I know of right now. I mean -- yeah, not that I know of.

Q Okay. Has he ever had a job?

A No.

Q Okay. Does he have a checking account?

A I think he does, but I'm not too sure.

Q Okay. Assuming he has a checking account, would there be any money in it?

A Most likely not.

Q Okay. And would that be because Ishmael, one, has never had a job, doesn't have an income?

A Yes.

Q Okay. And does he own anything? Does he own any

1 property, does he own any assets, anything like that?

2 A No.

3 Q Okay. And Mr. Andrews, are you the person who earns  
4 an income for the household?

5 A Yes.

6 Q Okay. Before I get into that, who all lives in the  
7 household with you and with Ishmael?

8 A My four other boys, my daughter, and my wife.

9 Q Okay. So there's five other kids in addition to  
10 Ishmael?

11 A Yes.

12 Q Okay. And are they all under the age of 18?

13 A Yes.

14 Q Okay. And then you mentioned your wife; does she  
15 have a job or an income?

16 A No.

17 Q Okay. And what is your job?

18 A My job is I'm a tribal police officer.

19 Q Okay. And about how many hours do you work?

20 A I work eight hours a day.

21 Q Okay. So regular full-time job?

22 A Yes.

23 Q Okay. And what is -- what -- do you get paid a  
24 salary? Do you get paid an hourly wage?

25 A \$20 an hour.

1 Q \$20 an hour?

2 A Yes.

3 Q Okay. And then, do you get paid weekly, bi-weekly?

4 A Every two weeks.

5 Q Okay. And so is one paycheck, roughly, \$1,500 or so?

6 A Less than that; it's, like, 13.

7 Q 1,300. Okay. And so total income for the family of

8 seven, including Ishmael, a month, is less than 3,000?

9 A Yes.

10 Q Okay. And do you all live in a house?

11 A Yes.

12 Q And is that a house that you own, or is it a house

13 that you're buying? How -- do you --

14 A It's a house I'm buying. Like, I'm paying \$100 a

15 month.

16 Q Okay. And who are you buying it from?

17 A AVCP Housing Authority.

18 Q Okay. And that's a housing program to help people

19 become homeowners eventually?

20 A Yes.

21 Q Okay. And right now, you couldn't sell the house or

22 leverage the house?

23 A No. No.

24 Q Okay. And Mr. Andrews, do you owe any money to

25 anybody currently?



1           A     Probably just to our local store.

2           Q     To the store. Okay. About how much money do you owe

3 to the store?

4           A     My last bill, like, 12,000 something.

5           Q     Did you say 12,000?

6           A     Yes.

7           Q     Okay. So quite a bit. And do you have any savings?

8           A     Savings, no. No savings.

9           Q     Okay. And so in terms of your income, would it be

10 fair to say that you live paycheck to paycheck?

11          A     Yes.

12          Q     Okay. And so let's say it's two days before you get

13 paid next, is there going to be any money in your bank account?

14          A     Yeah, no. My bank right now is currently negative

15 \$30.

16          Q     Okay. And so with your income, the 1,300 or so that

17 you make every two weeks, does that pay for all the needs of

18 all six of your children?

19          A     Yes.

20          Q     Food, heating, clothes, all that?

21          A     Yes.

22          Q     Okay. And just give me an idea about food. How much

23 does food cost you a month?

24          A     Not really too sure. It's quite a bit.

25          Q     Can be high, yeah. And that's okay if you don't have

1 a -- if you don't have an estimate, that's fine.

2 A Yeah. I don't have a --

3 Q Okay. Mr. Andrews, do you also -- do you engage in  
4 subsistence to provide food for your family?

5 A Yes.

6 Q Okay. And is that an important part of providing for  
7 your family?

8 A Yes.

9 Q Okay. And do you have equipment that helps with  
10 that, boats or snow machines?

11 A I have -- I have a motor, just a motor. And I'm  
12 using my wife's nephew's boat right -- borrowing it --

13 Q Okay.

14 A -- right now.

15 Q Okay. So you have a motor. And then anything else?  
16 Any snow machines, or anything?

17 A I bought two -- two snow boats (phonetic), but one's  
18 not running right now.

19 Q Okay. Are those things -- do they help you provide  
20 assistance for the family?

21 A Yes.

22 Q Okay.

23 MS. JURA: Okay. I don't think I have any other  
24 questions for you, Mr. Andrews. Thank you.

25 THE COURT: All right. Thank you.

1 Mr. Bruce, any questions for Mr. Andrews?

2 MR. BRUCE: Just one, Your Honor.

3 KENNETH ANDREWS

4 testified as follows on:

5 CROSS EXAMINATION

6 BY MR. BRUCE:

7 Q Mr. Andrews, how long have you been employed as a  
8 tribal police officer?

9 A March -- or October 24th, 2018.

10 Q And what's your current role in the Akiak Police  
11 Department?

12 A I just -- my shift was (indiscernible - background  
13 noise).

14 Q Okay. Thank you, very much.

15 THE COURT: All right. Ms. Jura, any follow-up  
16 questions?

17 MS. JURA: Your Honor, I just have one area that I  
18 forgot if I could just do it really quickly.

19 KENNETH ANDREWS

20 testified as follows on:

21 REDIRECT EXAMINATION

22 BY MS. JURA:

23 Q Mr. Andrews, does A.N live in Akiak?

24 A Who?

25 Q The alleged victim in this case, A.N.

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A No.

Q Okay. Does she have any family in Akiak?

A Not that I know of.

Q Okay. All right. Thank you.

MS. JURA: I don't have any other questions.

THE COURT: Okay. And Mr. Bruce, any re-cross based on that?

MR. BRUCE: No, Your Honor.

THE COURT: Okay. All right. Ms. Jura, any other evidence or witnesses?

MS. JURA: No, Your Honor.

THE COURT: All right. Mr. Bruce, any evidence or witnesses?

MR. BRUCE: Not at this time, Your Honor.

THE COURT: Okay. Well, then the Court will hear argument, Ms. Jura.

MS. JURA: Sure. Thank you, Your Honor. So as I'm sure the Court is aware after reading the bail order, this Court has an obligation to set bail at the least restrictive necessary to make sure that this particular Defendant, Mr. Sergie, A, comes to court, and B, doesn't hurt anybody.

So that means that we have to consider this particular Defendant; his finances, his background, his character, and narrowly tailor the bail conditions so that

1           they're the least restrictive to assure those things -- to  
2           reasonably assure those things.

3           The evidence that we presented today is that Mr.  
4           Sergie has, essentially, no money and no assets, no  
5           income. And the evidence is that his dad, who is his  
6           caretaker, his guardian, that the most he -- and I  
7           apologize. I didn't actually ask Mr. Andrews this, but the  
8           money that we're proposing today that this family could  
9           afford is \$1,000.

10          And so that is basically what Mr. Andrews would  
11          scrape together from his paychecks. And that is the most  
12          that he could do without harming his family. And I  
13          apologize; I didn't ask him that. I could -- if the Court  
14          wants to hear that from his own mouth, I could. But  
15          that's the amount that he discussed with me that he could  
16          afford.

17          He lives paycheck to paycheck. He has six  
18          dependents, five that he's taking of right now with Mr.  
19          Sergie incarcerated. This entire family lives off less  
20          than \$3,000 a month, and an income that has high cost of  
21          living. And basically, \$1,000 is a significant amount to  
22          this family, that is more than a third of their monthly  
23          income.

24          And so that's an amount that Mr. Sergie's going to be  
25          motivated to get back for his family, and for him to live

1 off of, and that's the most that can be posted. And so  
2 we're either asking that the Court set bail at zero  
3 dollars, in recognition of the fact that Mr. Sergie,  
4 himself, has no money; or alternatively, we're asking that  
5 this Court set bail at \$1,000, which is the most that his  
6 father, who is his custodian, would be able to get  
7 together.

8 And I think -- from all the bail opinions that have  
9 come out recently, I think it's pretty clear that the  
10 Court should start its analysis with what Mr. Sergie can  
11 post, or alternatively what his custodian could post for  
12 him.

13 And in order for this Court to set a bail -- bail  
14 amount that's higher than that, the Court would need a  
15 particularized reason for finding that that higher amount  
16 does something that \$1,000 wouldn't do.

17 And it has to consider it in light of all the other  
18 bail conditions that are in place, including these very  
19 restrictive 24 hour monitoring conditions from third party  
20 custodians, not to go to the river, not to have any access  
21 to the river, in light of the fact that A.N. isn't in  
22 Akiak, doesn't have family in Akiak.

23 And so the Court can't just set bail at an amount  
24 that sounds high or sounds good. It has to really  
25 consider what is significant for Mr. Sergie, what is going

1 to incentivize him, and beyond that is excessive.

2 And also, if the Court were to set bail at an amount  
3 higher than \$1,000, and have a particularized reason for  
4 that, that reason also needs to be reasonable and not  
5 speculative. And the difference between what is  
6 reasonable and what is speculative turns on logic.

7 And one example that I found helpful was in the  
8 Wagner (phonetic) bail order where it talks about the  
9 judge in that case was concerned that the release plan  
10 wouldn't necessarily protect the community at large even  
11 though the alleged victim in that case lived far away.

12 And the court said that it was speculative to  
13 conclude that the defendant, who had no other criminal  
14 history, would represent a danger to the community at  
15 large based on the allegations that he had had a  
16 particularized situation with one person.

17 And so that's how tight, I think, reasonable logic  
18 has to be. Is you can't just assume the worst simply  
19 because somebody is charged with serious charges. Here,  
20 Mr. Sergie has no criminal history. And I realize he's  
21 young, but he also has no juvenile history.

22 He has none of the red flags that I think we  
23 sometimes see in cases, such as resisting arrest, trying  
24 to flee, trying to contact the alleged victim in the case  
25 while in jail either through letters or through third

1 parties.

2 So none of that -- those red flags of -- to have a  
3 particularized reason for thinking that Mr. Sergie won't  
4 follow the Court's orders. Certainly, you know, the  
5 charges are serious. And so we need guardrails in place;  
6 but I don't think we have those indications that Mr.  
7 Sergie is going blow past all the guardrails, hell-bent on  
8 breaking the law.

9 I don't think that there's any particularized reason  
10 in this case for setting bail beyond what Mr. Sergie can  
11 afford, which is zero dollars; or at most, what his  
12 father can afford, which is \$1,000. Thank you.

13 THE COURT: All right. Thank you. Mr. Bruce,  
14 State's position and any position of A.N.

15 MR. BRUCE: Your Honor, based on our victim contact,  
16 the victim's guardian is opposed to the release at this  
17 point. Your Honor, I'll note -- I'll begin to make  
18 several notes. First, Your Honor, Defense counsel  
19 presented no evidence specifically as to why \$1,000 was  
20 appropriate.

21 I'll also note, Your Honor, that in this case there  
22 are red flags and (indiscernible) concerned about the  
23 danger to the victim. The victim lives in Kwethluk, Your  
24 Honor, that's approximately ten miles away from Akiak, so  
25 it's a very short distance overall, Your Honor.



1 I also note that in this case we're dealing with a  
2 relatively prolonged history of abuse with multiple cases  
3 of sexual assaults where he forced her to have sex; at  
4 least on one occasion strangled her to unconsciousness in  
5 addition to hitting her multiple times and assaulting  
6 her -- hitting her with a rifle.

7 There was also another occasion where he pointed a  
8 rifle at her. He has also made threats to her that he  
9 would get after her, which the victim interpreted as  
10 saying he would strangle her again; and that specifically  
11 made as a threat that he would report this.

12 I also note, Your Honor, that there is some concern  
13 about local law enforcement in the area given that much of  
14 this abuse occurred in the home of Mr. Kenneth, who is a  
15 local tribal police officer. In light of that, Your  
16 Honor, I believe that bail as currently set is appropriate  
17 given the particularized danger to the victim.

18 THE COURT: Okay. Thank you. Ms. Jura, final  
19 argument.

20 MS. JURA: Thank you, Your Honor. I'll try to be  
21 brief. And first, I just wanted to respond to the factual  
22 assertion of ten miles away. There are no roads that go  
23 between these two villages.

24 So when we're talking about ten miles away, we're  
25 talking about somebody either hoofing it on foot or

1 getting in a boat, and in a boat it's 25 water miles; and  
2 so these are significant distances. This is not just  
3 hopping in a car and driving for ten minutes.

4 As to the State's substantive argument that there's a  
5 particularized danger here, I didn't hear the State  
6 articulate any reason for why \$25,000 addresses a concern  
7 that \$1,000 doesn't, and that is what they need to do at  
8 this point.

9 This Court starts its analysis by looking at what Mr.  
10 Sergie and his family can afford. And only if there is  
11 some reason to go beyond that can the Court go beyond  
12 that; and the State failed to articulate anything other  
13 than just, again, asserting that these are scary and  
14 serious charges.

15 But nothing about \$25,000 is a magic number that  
16 protects A.N. any more than \$1,000. The point is, what  
17 incentivizes Mr. Sergie? We presented the evidence that  
18 this is an indigent family with very little resources, and  
19 that the most that his father would be able to scrape  
20 together is \$1,000, and that that will provide the  
21 incentive for Mr. Sergie, in addition to the full-time  
22 monitoring, the distance, and all the other parameters  
23 that are in place. Thank you.

24 THE COURT: All right. Thank you. Well, I think  
25 what the Court mentioned last time was that the Court

1 needs to consider the appearance of the Defendant, the  
2 safety of the victim, the safety of the public in general.

3 Generally, this Court isn't too concerned about the  
4 appearance of defendants unless, as Ms. Jura pointed out,  
5 there's some history of escape, or resisting, or flight;  
6 and Mr. Sergie, I don't think has that.

7 And generally, this Court isn't, again, too concerned  
8 unless there -- a defendant has a history of fleeing,  
9 doing something to actively avoid arrest, something like  
10 that along those lines. And frankly, we don't have that  
11 in this case, and the Court's not concerned about Mr.  
12 Sergie's appearance in court.

13 He's a lifelong resident, I think, of the area. I  
14 think he's 16, 17 years old. He's -- the Court doesn't  
15 have any information he's lived any place else. His  
16 family's here. We heard from his dad today that he's in  
17 Akiak, and a TPO in Akiak.

18 We heard from his grandfather and his uncle last  
19 time; they're both calling in from Akiak again today. And  
20 I think they were in Akiak the last time as well. So  
21 appearance isn't the issue or the -- what the Court is  
22 concerned with. And the safety of the public in general,  
23 the Court really isn't concerned with.

24 The Court is concerned with the safety for A.N. and  
25 her family. As the Court pointed out last time, this

1 wasn't a one-time incident. And as the State pointed out  
2 today, this wasn't a one-time incident involving a scary  
3 incident and very serious allegations.

4 I'm reading from the affidavit in support of the  
5 complaint. "A.N. stated approximately four" -- and I'm on  
6 page 2 of the complaint.

7 "A.N. stated approximately four weeks ago  
8 Ishmael forced her to have sex. And she said, no, please,  
9 no. A.N. indicated that Ishmael forced her to have sex  
10 anyway at that time and assaulted her.

11 A.N. has articulated multiple past incidents --  
12 instances where Ishmael follows the same pattern of  
13 assaultive behavior, usually staring with an angry,  
14 annoyed face and a growl. This generally progresses to  
15 Ishmael strangling her, slapping her, hitting her legs,  
16 and throwing objects at her.

17 A.N. recalled that on or about March 3rd, 2021,  
18 Ishmael had a similar pattern of annoyed growling behavior  
19 that led to Ishmael shooting a .30-06 rifle and a 20-gauge  
20 shotgun near her before pointing a .410 shotgun directly  
21 at her head.

22 A.N. thought Ishmael would shoot her in the head, but  
23 he eventually put the shotgun down. A.N. recalled that  
24 Ishmael had threatened to kill her multiple times in the  
25 past. Ishmael has told A.N. that if she reports his

1 assaults, he would take her out in the woods, tie her up,  
2 and kill her, or leave her to die.

3 After learning that A.N. cares about her siblings, he  
4 has threatened to kill them or A.N.'s parents if she does  
5 not comply with his wishes. This pattern of fear and  
6 assaults led A.N. to play along and not resist Ishmael's  
7 sexual assaults on March 8th, 2021."

8 Taking into consideration what -- and there's kind of  
9 two arguments, I think, from the Defense -- sort of  
10 alternative arguments. One is that he should be released  
11 third party to his grandfather and his uncle without any  
12 bail since that's what he can afford is zero dollars.

13 The Court, looking at that perspective, what he can  
14 post and what his custodians can post, the Court doesn't  
15 believe that zero dollars is appropriate or incentivizes  
16 Ishmael to follow the rules.

17 Third parties -- while the Court approved third  
18 parties and thought the third parties would do their job,  
19 third parties only have to report Ishmael if he violates  
20 conditions of release; they don't have to physically stop  
21 him or prohibit him from violating.

22 If he gets in a boat and drives away, they need to  
23 call the police, who's their brother and son, or some  
24 other law enforcement to report Ishmael; they don't have  
25 to physically stop him.

1 Third parties have never been required to stop. And  
2 while right now it's 20 or 25 miles, I think, via the  
3 river, in another couple months it's going to be frozen,  
4 and a much quicker ride, generally, on snow machine.

5 The Court heard today from Mr. Andrews that they've  
6 got a couple SNO-GO -- snow machines, one of which isn't  
7 working at this time. But the trip from Akiak to  
8 Kwethluk, I think, via SNO-GO is generally a pretty short  
9 ride.

10 And if Ishmael gets it in his head that he's going to  
11 take retribution on A.N. or her family, like he's said  
12 he's done, he wouldn't need much lead time to get there  
13 and accomplish what he's said in the past he's going to  
14 do, which is take A.N. out to the woods, tie her up, kill  
15 her, or leave her to die, or else take some other action  
16 against A.N.'s siblings or her family, her parents.

17 So the Court doesn't believe that zero dollars  
18 incentivizes Ishmael to follow the Court's instructions.  
19 Again, if we didn't have this other -- these other  
20 allegations that he's threatened her in the past, the  
21 Court would be more inclined to reduce the bail down to  
22 either OR or reduce it down even more from 25,000.

23 But given that Ishmael has said in the past that he  
24 will kill her, hurt her siblings, hurt her family as she  
25 reports, now that she's reported, the Court doesn't

1 believe that zero dollars is appropriate to take that risk  
2 since he has articulated that he will, again, take revenge  
3 or retribution against A.N. if she reports.

4 Now that she's reported, I don't think the Court  
5 should take that chance and hope that Ishmael's not going  
6 to follow through when he's said in the past that he will,  
7 sort of, make good on his promises when he's talking to  
8 A.N.

9 He hasn't done anything to the Court -- the Court  
10 hasn't heard anything new other than what's in the  
11 affidavit. So the Court's going to make the same findings  
12 and rulings as to the \$1,000 as well.

13 The Court does not believe that \$1,000 posted by Mr.  
14 Sergie's family incentivizes him to follow the Court's  
15 rules, especially in light of what he has said in the past  
16 about what he's going to do to A.N. if A.N. reports.

17 Again, now that she has reported, the Court has great  
18 concerns that he's going to follow through or attempt to  
19 follow through to harm A.N. And again, he has not done  
20 anything that the Court's aware of since he's been in  
21 jail.

22 Ms. Jura's correct; the Court hasn't heard anything  
23 that he has attempted to call her, or contact her, or send  
24 her letters, or attempted to persuade her in any way to  
25 drop the charges.

1           Sometimes the Court does hear about that, and that  
2           just makes the State's argument stronger to prohibit  
3           release. But in this case, A.N. has stated that on  
4           multiple past instances Ishmael has done this to her and  
5           threatened her to kill her multiple times.

6           She says A.N. recalled that Ishmael has threatened to  
7           kill her multiple times in the past. And the Court  
8           doesn't want to take the chance that these are idle  
9           threats and believes that when somebody say something that  
10          they mean to potentially follow through.

11          So the Court's going to deny the request to reduce it  
12          down to zero dollars, or down to \$1,000, even taking into  
13          account what Ishmael can post and what his family can post  
14          at this point in time.

15          Again, if this were just a one-time incident, the  
16          Court would be more inclined. But given Ishmael's  
17          statements to A.N., his past threats to A.N., the Court's  
18          going to deny the request.

19          If -- the Court, I think, would look at a different  
20          analysis if A.N. were in Anchorage, if A.N. were going to  
21          school -- sometimes teenagers here in the Delta go to  
22          school at Mt. Edgecumbe. And if there was some  
23          information that she was, sort of, a jet ride away where  
24          he'd have to come to Bethel, and board a plane, and then  
25          fly to Anchorage or Fairbanks, I think we'd have even a



1 different analysis at that point in time.

2 But being the next village up or down the river, I  
3 don't believe zero dollars release, or even \$1,000 release  
4 satisfies the Court that it protects A.N. and her siblings  
5 and family, again, given the multiple threats that Ishmael  
6 has made against her in the past.

7 So the Court's going to keep the bail as previously  
8 set, \$25,000 plus the third party to Ronald and Jason  
9 Andrews with the conditions the Court imposed on June  
10 24th, 2021.

11 Again, the Court is taking into consideration the  
12 finances of Ishmael and his family. But the Court's also  
13 taking into consideration the threats that Ishmael has  
14 made against A.N. on, apparently, multiple -- multiple  
15 threats that he's made in the past.

16 Anything else from the State's perspective at this  
17 point in time, Mr. Bruce?

18 MR. BRUCE: No, Your Honor.

19 THE COURT: All right. Mr. Bruce, any other findings  
20 that the State thinks it might need if this is appealed?

21 MR. BRUCE: Not at this time, Your Honor.

22 THE COURT: Ms. Jura, any questions about the Court's  
23 findings, and any findings you think the Court needs to  
24 make for appellate purposes if Ishmael wants to appeal  
25 again?

1 MS. JURA: Yes. My request is that the Court explain  
2 why \$25,000 provides that assurance that the Court doesn't  
3 think \$1,000 provides.

4 THE COURT: Yea0h. Well, the -- it's obviously a  
5 scale. And you know, what would \$25,000 do that \$24,000  
6 do; I don't know, Ms. Jura. And I think that's difficult  
7 to answer. And probably possible to answer is when does  
8 that, sort of, dollar amount happen?

9 Is \$1,001 appropriate, or \$1,002? That's hard to  
10 explain. The Court does not believe that \$1,000 is  
11 appropriate given the allegations that Ishmael has made  
12 repeated multiple threats. And I don't know if I can  
13 really articulate why exactly.

14 And again, maybe the Court of appeals will reverse me  
15 again, and send it back. But I don't know exactly why  
16 25,000 -- it's hard to articulate why, exactly, 25,000 as  
17 opposed to 2,250. If the proposal was 2,250, I don't know  
18 what I would do.

19 We need to come up with a number. I'm coming up with  
20 a number, if somebody wants to propose 20,000, I might,  
21 you know, be able to accept 20,000. I'm just saying I  
22 don't believe that 1,000 is appropriate.

23 So I don't know if that really answers or gives you  
24 what you want, but I just don't think \$1,000 is  
25 appropriate. So the court of appeals might send it back

1 and say I need to do more as to why 25,000 is appropriate.

2 Again, if you want me to say 20,000, I'll reduce it  
3 down to 20,000. I think that might be appropriate, but I  
4 just don't think 1,000 is, if that makes sense. Again,  
5 I -- you know, I've read the opinions, too.

6 And every time I read the bail opinions, I don't know  
7 what to think or say, because they're asking -- the court  
8 of appeals, it seems like, is asking for the Court to set  
9 an exact number and say why exactly that number would work  
10 but \$1 less wouldn't. And again, I don't know if I can  
11 articulate that. So anything else?

12 MS. JURA: No, Your Honor.

13 THE COURT: Okay. Okay. Then, the bail will remain  
14 as set. We'll leave it at 25,000 plus third parties to  
15 Ronald and Jason Andrews, plus the conditions from June  
16 24th.

17 When is our next court date? Let's see. Looks like  
18 September 16th at 11; is that correct? Okay. Well, it  
19 looks like it's September 16th at 11. We will get Ishmael  
20 on the phone from, at this point in time, Kenai Youth  
21 Facility.

22 Obviously, Ms. Jura, if that changes, then you can  
23 let us know. If you hear that he's someplace else, you  
24 can let us know if we need to do an order for him to  
25 appear by phone, or if they'll just call in. We'd

1 appreciate that. Okay?

2 MS. JURA: Okay.

3 THE COURT: Okay. Thank you. All right. So we'll  
4 go off record in Ishmael's case. Thank you, everyone, for  
5 calling in. Thank you to the Andrews for calling in.

6 Ishmael, give Ms. Jura a call with any questions.  
7 Okay?

8 THE DEFENDNAT: Okay.

9 THE COURT: All right. Thank you. All right. We'll  
10 stand in recess. The parties are excused at this time in  
11 Ishmael's case. Everyone is free to hang up on Ishmael's  
12 case.

13 (Proceedings concluded at 9:04 a.m.)

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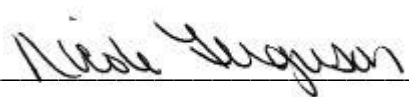
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TRANSCRIBER'S CERTIFICATE

I, Nicole Ferguson, hereby certify that the foregoing pages numbered 1 through 28 are a true, accurate, and complete transcript of proceedings in Case No. 4BE-21-00205CR, State Of Alaska v. Ishmael Jonathan Sergie, transcribed by me from a copy of the electronic sound recording to the best of my knowledge and ability.

8/13/2021



Date

Nicole Ferguson, CDLT-149  
Transcriber